

## **MANAGEMENT REPORT**

Date: January 6, 2022  
Author: Julia Morrison, Director of Corporate Services and Facilities  
VanDOCs #: DOC/2022/004242  
Meeting Date: January 26, 2022

TO: Library Board  
FROM: Julia Morrison, Director of Corporate Services and Facilities

**SUBJECT: FRIENDS OF VANCOUVER PUBLIC LIBRARY SOCIETY - MEMORANDUM OF UNDERSTANDING**

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### **SUMMARY**

This report provides an updated Memorandum of Understanding between the Vancouver Public Library and the Friends of the Vancouver Public Library Society, replacing the Letter of Understanding between the Vancouver Public Library and the Friends from 1995. The core concepts of the MOU remain unchanged.

### **PURPOSE**

This report is for information.

### **RECOMMENDATION**

That the Board receive this report for information.

### **POLICY**

There is no applicable policy.

### **BACKGROUND**

The Friends of the Vancouver Public Library is a society whose purpose is to volunteer, fundraise, and advocate in support of the Vancouver Public Library.

In order to support the vision, mission and activities of the Library it is vital that the Friends maintain a close liaison with both the Library Board and the administration of the Library.

## **DISCUSSION**

The relationship with the Friends is an important one for the Library, contributing funds that support the Library's programs and services, providing an opportunity for members of the public to engage as volunteers, and supporting the Library through advocacy when needed.

This updated MOU between the VPL and the Friends reinforces this relationship and maintains the core concepts from the prior LOU while updating the format and legality based on current practices. The exchange of documents, such as minutes and financial information, and the process for fundraising priorities, were updated based on current practices, and the list of VPL policies was updated.

The MOU is divided into four parts, covering liaisons and reporting, fundraising activities, laws and policies, and general terms.

This updated MOU was drafted throughout 2021, with the assistance of the City's Legal Services department. In addition to the MOU, staff worked with the City's Legal Services department and the Friends to update and renew the terms of the lease for the Book'mark retail store and space for sorting and office activities on a five-year renewable term. The lease concepts were retained from the original 1995 document, with improved clarity around availability of documents, naming, relevant VPL policies, insurance and maintenance obligations.

## **FINANCIAL IMPLICATIONS**

There are no financial implications associated with the updating of this MOU. The terms of the lease agreement provide a five year lease at a rate of \$5. The process for how funds raised by the Friends are granted to the Library Board is contained within Article 2 of the MOU and reflects the Library Board's approved process.

# FRIENDS OF VANCOUVER PUBLIC LIBRARY SOCIETY MEMORANDUM OF UNDERSTANDING

THIS AGREEMENT is made effective the 1<sup>st</sup> day of June 2021

BETWEEN:

**CITY OF VANCOUVER, as represented by  
VANCOUVER PUBLIC LIBRARY BOARD**

An independent Board of the City of Vancouver, operating pursuant to  
the *Library Act* (British Columbia)  
350 West Georgia Street  
Vancouver, British Columbia  
V6B 6B1

(the “**Library Board**”)

AND:

**FRIENDS OF THE VANCOUVER PUBLIC LIBRARY SOCIETY**  
(Incorporation No. S-0033444), with a registered office at  
350 West Georgia Street  
Vancouver, British Columbia  
V6B 6B1

(the “**Friends**”)

## BACKGROUND:

- A. The Library Board is a Municipal Library Board under the provisions of the *Library Act* RSBC 1996 c. 264 and as such operates the City of Vancouver’s public library system (the “**Library**”);
- B. The Friends is a society whose purposes are:
  - (i) To support the mission and vision of the Library;
  - (ii) To focus public attention on the Library and educated the public about the Library, by encouraging close relations and improving communications between the Library and the public;
  - (iii) To support and promote both central and branch library services, programs and facilities;
  - (iv) To encourage and support the future growth and expansion of the Vancouver library system; and
  - (v) To encourage endowments and gifts and raise funds to support special Library projects;

- C. The Library Board is committed to effective utilization of all available resources to further its goal of providing quality library services and believes that the use of volunteers can further this goal by raising the visibility of the Library in the community and by raising funds to support the Library;
- D. This Memorandum of Understanding is intended to replace the Letter of Understanding between the Vancouver Public Library and the Friends from 1995.

**IN CONSIDERATION OF** the agreements set out herein, the parties agree to be bound by its terms, as follows:

## **ARTICLE 1 LIAISONS AND REPORTING**

**1.1** In order to support the vision, mission and activities of the Library it is vital that the Friends maintain a close liaison with both the Library Board and the administration of the Library. To this end, the following steps will be taken:

- (a) All Library Board members will be encouraged to become members of the Friends;
- (b) a director of the Friends will be appointed as a liaison to the Library Board, with a second director appointed as alternate liaison. The appointed liaison and/or their alternate will have a standing invitation to, and will strive to attend, all Library Board meetings;
- (c) a member of the Library Board will be appointed as liaison to the Friends, with a second member appointed as alternative liaison. The appointed liaison and/or their alternate will have a standing invitation to, and will strive to attend, all Friends board meetings;
- (d) the Chief Librarian & CEO of the Library will appoint a member of the Library's management team as the Library's staff liaison to the Friends, and the Library's staff liaison and will have a standing invitation to, and will strive to attend, all Friends board meetings;
- (e) As various committees of the Friends are formed to pursue specific activities in support of the Friends' purposes, the Library will provide a staff liaison person with expertise in that activity to assist the committee; and
- (f) the Secretary of the Friends and executive assistant to the Chief Librarian & CEO of the Library will exchange minutes of meetings of the Friends' executive meetings and the Library Board's meetings on a regular basis.

**1.2** On or before April 30th of each year, the Friends will deliver to the Library Board, in form and content acceptable to the Library Board:

- (a) a summary for the past year (February 1 to January 31) demonstrating how the Friends has fulfilled the purposes of their society,
- (b) financial statements for the previous year, including a statement of the assets and liabilities in the form of a balance sheet, and a statement of revenues and expenditures, all of which must be prepared in accordance with generally accepted accounting principles, and signed by at least one director indicating the approval of the Friends' board;
- (c) a summary of activities planned for the coming year of the Term.

**1.3** In addition to the financial statements under section 1.2(b), on or before December 31 of each year, the Friends will deliver to the Library's Director, Corporate Services & Facilities, a budget for the upcoming year, showing separately the activities of the retail shop known as "Book'mark" and all other activities of the Society.

**1.4** The Friends will notify the Library Board, in writing, of any change to their board of directors, executive officers or staff by the day that is 14 days after the day such change comes into effect.

## **ARTICLE 2 FUNDRAISING ACTIVITIES**

**2.1** Fundraising activities undertaken by the Friends from time to time will be connected solely for the purpose of supporting special Library projects in alignment with the Library Board's strategic plan and priorities.

**2.2** The Library will support the Friends' event-based fundraising activities by providing space for book sales, events and meetings, and by providing staff support for preparation and dismantling of events, as operationally feasible.

**2.3** The Library Board will not use funds raised by the Friends to supplement the Library's ongoing operating budget.

**2.4** A decision as to the special Library project or projects to be supported by the Friends' fundraising activities will be made by the Friends and the Library Board, on an annual basis, based on an established procedure such as the following:

- (a) in the second quarter of each calendar year, the Library Board will approve fundraising priorities for the upcoming year;
- (b) the Library's staff liaison and other Library staff (as appropriate) will present and discuss with the Friends' co-chairs and other representatives of the Friends Library Board-approved projects for possible future funding by the Friends;
- (c) from the list of Library Board-approved potential projects for funding, and based on the above discussions and on the Friends' net fundraising revenues of the previous year, the Friends will select a project or projects to be funded in the upcoming year; and

- (d) informal priorities may be identified by either party during the year for collective discussion and consideration.

**2.5** For clarity, all money raised by the Friends in support of Library projects will be granted by the Friends to the Library Board as an unconditional gift, with appropriate recognition to the Friends for gifts received.

### **ARTICLE 3 LAWS AND POLICIES**

**3.1** While it is expected that, according to their purposes, the Friends will actively and publicly lobby to focus public attention on the Library, educate the public about the Library, support and promote Library services, programs and facilities, and encourage and support the future growth and expansion of the Library, it is understood that the Friends will not be involved in the establishment of Library policy, which is the sole responsibility of the Library Board, nor will the Friends perform the work of Library staff.

**3.2** The Friends will ensure that the provisions the following laws and policies are observed with respect to the use and occupation of the retail shop known as “Book’mark” and membership in, and the operation of, the Friends, as applicable:

- (a) the *Human Rights Code* (British Columbia);
- (b) the following Library Board policies, as amended or replaced from time to time:
  - (i) Public Space Policy;
  - (ii) Political Use of Library Space Policy;
  - (iii) Meeting Rooms and Facilities Policy;
  - (iv) Code of Conduct Policy;
  - (v) Respectful Workplace Policy; and
  - (vi) Sponsorship Policy,

and the Friends will not sponsor, implement or permit any activity in or use of any Library Board property which contravenes the *Human Rights Code* (British Columbia) or which demeans any group or any member of any group protected under the *Human Rights Code* (British Columbia).

**3.3** The Friends will permit people of all genders the opportunity to be nominated and to serve on the Friends’ executive committee and board of directors.

**ARTICLE 4  
GENERAL**

**4.1** With respect to the relationship between the Library Board and the Friends arising out of this Memorandum of Understanding:

- (a) this Memorandum of Understanding does not and will not create any form of legal partnership or joint venture or other business relationship between the Library Board and the Friends;
- (b) this Memorandum of Understanding does not and will not create any form of dependency or agency relationship as between the Library Board and the Friends;
- (c) this Memorandum of Understanding does not and will not create any employer/employee relationships between the Library Board and any Friends personnel; and
- (d) except as otherwise explicitly provided for herein, the Friends will operate independently of the Library Board in all respects and will ensure that none of its personnel will at any time do anything which would in any way involve the provision to anyone of services which in substance are Library services, but rather that they will refer to Library Board Personnel any and all requests for such services they may in any way, impliedly or expressly, receive.

**IN WITNESS WHEREOF** the Library Board and the Friends have executed this Memorandum of Understanding effective as of the Effective Date.

**VANCOUVER PUBLIC LIBRARY BOARD** by its authorized signatory:



**FRIENDS OF VANCOUVER PUBLIC LIBRARY SOCIETY**  
by its authorized signatories:

**Darius Maze** 

Print Name:

**Lisa Culbert**   
Lisa J. Culbert (Dec 28, 2021 12:38 PST)

Print Name: